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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,512	01/06/2004	Tatsuya Ito	113112.01	3327
7590 OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandra, VA 22320			EXAMINER MRUK, GEOFFREY S	
		ART UNIT 2853	PAPER NUMBER	
		MAIL DATE 09/14/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,512	ITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Geoffrey Mruk	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 June 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 41-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 41-44 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. 10/186,427.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

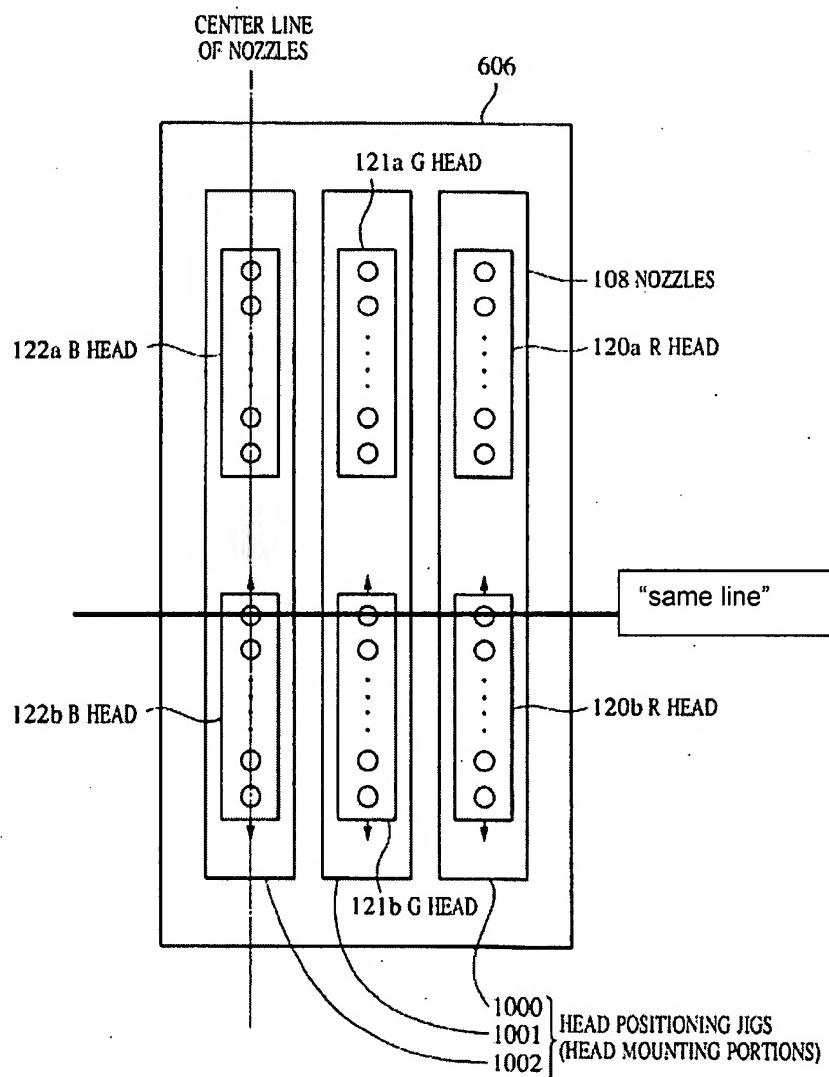
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Shigemura (US 6,667,795 B2).

With respect to claim 41, Shigemura discloses an apparatus (Fig. 14) for manufacturing a color filter (Column 1, lines 15-24), comprising: a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606), each ejection head having a plurality of nozzles (Fig. 16, elements 108) for ejecting a filter material in droplets (Column 1, lines 26-33); the plurality of nozzles (Fig. 16, elements 108) linearly arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads are arranged on the print head to form at least one linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of

filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36), the plurality of first, second, and third nozzles arranged in a same line (Fig. 16 below).

FIG. 16



With respect to claim 42, Shigemura discloses an apparatus (Fig. 14) for manufacturing an electroluminescence substrate (Column 1, lines 15-24), comprising: a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606) each ejection head having a plurality of nozzles (Fig. 16, elements 108) for ejecting a filter material in droplets (Column 1, lines 26-33), the plurality of nozzles (Fig. 16, elements 108) linearly arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads are arranged on the print head to form at least one linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36), the plurality of first, second, and third nozzles arranged in a same line (Fig. 16 above).

With respect to claim 43, Shigemura discloses a method for manufacturing a color filter (Columns 7-11), comprising: scanning a substrate by moving a table (Fig. 14, elements 603, 604) and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606); and ejecting a

plurality of types of filter material (Column 10, lines 48-52) in droplets (Column 1, lines 26-33) by the plurality of ejection heads each ejection head having a plurality of nozzles (Fig. 16, elements 108) arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads being linearly arranged to form at least one linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) which is arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36), the plurality of first, second, and third nozzles arranged in a same line (Fig. 16 above).

With respect to claim 44, Shigemura discloses a method for manufacturing an electroluminescence substrate (Columns 26-27), comprising: scanning a substrate by moving a table (Fig. 14, elements 603, 604) and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606); and ejecting a plurality of types of functional layer forming material (Column 27, lines 30-34) in droplets (Column 1, lines 26-33) by a plurality of ejection heads, having a plurality of nozzles (Fig. 16, elements 108) arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads being linearly arranged to form at least one linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) which is

arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of functional layer forming material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of functional layer forming material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of functional layer forming material (Column 10, lines 30-36), the plurality of first, second, and third nozzles arranged in a same line (Fig. 16 above).

### ***Response to Arguments***

Applicant's arguments filed 18 June 2007 have been fully considered but they are not persuasive. The applicant argues "Furthermore, each of independent claims 41-44 recites that the plurality of first, second and third nozzles are arranged in a same line. Shigemura does not disclose or suggest such an arrangement of features" and "Even if the Patent Office attempts to read Applicants' claimed ejection head on the entire unit 606 in Shigemura Fig. 16, there is no same line of nozzles having a plurality of first nozzles ejecting a first type of material, a plurality of second nozzles ejecting a second type of material and a plurality of third nozzles ejecting a third type of material. Accordingly, Shigemura does not disclose or suggest all features of Applicants' independent claims."

However as stated in the final rejection, Shigemura discloses "the plurality of first, second and third nozzles are arranged in a same line" (Fig. 16 above). Furthermore,

the examiner respectively adds emphasis from the interview summary dated 18 May 2007 in which the examiner explained to applicant "that element 606 in figure 16 of Shigemura is structurally equivalent to element 22A in figure 19 of the instant application." Therefore, Shigemura meets the claimed limitations.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is (571) 272-2810. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm.

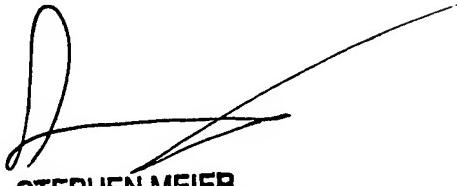
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM  
9/5/2007

GM



STEPHEN MEIER  
SUPERVISORY PATENT EXAMINER